

RECEIVED
CENTRAL FAX CENTER

FEB 15 2007

Appl. No. 10/605,165
Amdt. dated February 15, 2007
Reply to Office action of November 16, 2006

REMARKS

Claims 15-19 and 22-26 are rejected under 35 USC 102e as being anticipated by Tseng et al. (PGPUB: US 2004/0199693)

Applicant points out that 35 USC 102(e) states:

5 A person shall be entitled to a patent unless –
 (e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except
10 that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or
 (emphasis added)
15 Note is made by applicant that the cited reference Tseng et al. was filed in the United States on July 16, 2003. However, the invention by the applicant for patent occurred before July 16, 2003. In particular, as shown in the Priority Claim document submitted with the present application and acknowledged on the Filing Receipt mailed by the US PTO on 12/04/2003, the present invention claims foreign priority of a Taiwan application filed 02/27/2003. Therefore, the date of invention for the present application is proven to be at least Feb 27th, 2003, which precedes the United States filing of the Tseng et al. application on July 16, 2003. Note is also made that MPEP section 2136.03 states, “Reference’s Foreign Priority Date Under 35 U.S.C. 119(a)-(d) and (f) Cannot Be Used as the 35 U.S.C. 102(e) Reference Date”.
20 To overcome the rejection of claims 15-19 and 22-26, a signed statement
25 To overcome the rejection of claims 15-19 and 22-26, a signed statement

Appl. No. 10/605,165
Amdt. dated February 15, 2007
Reply to Office action of November 16, 2006

certifying the translation of Taiwan application No. 092104326 into English is attached.
The Taiwan application is relied upon for foreign priority under 35 U.S.C. 119(a)-(d).

The Taiwan application has been translated into English, and the translation into English is certified by Adam Chang, who is fluent in both Chinese and English. The 5 attached English translation certification provides proof that all subject matter contained in the above-identified US application was also taught in the corresponding Taiwan application.

Since the priority date (02/27/2003) of the Taiwan application for the present invention is earlier than the earliest effective US filing date (07/16/2003) of the Tseng et 10 al. (US 2004/0199693) published patent application, the foreign priority papers, the attached translation, and the certified statement effectively overcome the above 35 U.S.C. 102(e) rejection of claims 15-19 and 22-26 using the Tseng et al. reference.

For at least this reason, applicant asserts that the present application claims 15-19 and 22-26 should not be rejected under 35 USC 102(e) as being anticipated by Tseng et al. 15 and respectfully requests that a timely Notice of Allowance be issued in this case.

Sincerely yours,



Date: 02/15/2007

20 Winston Hsu, Patent Agent No. 41,526
P.O. BOX 506, Merrifield, VA 22116, U.S.A.
Voice Mail: 302-729-1562
Facsimile: 806-498-6673
e-mail : winstonhsu@naipo.com

25 Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 13 hours behind the Taiwan time, i.e. 9 AM in D.C. = 10 PM in Taiwan.)